UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO

RONALD L. HIGGINBOTTOM, II,) CASE NO. 5:16 CV 1933
Plaintiff,)
V.))) MEMORANDUM OF OPINION
JOHN A. ENLOW, Judge, et al.,) AND ORDER
Defendants.)

On August 1, 2016, Plaintiff *pro se* Ronald L. Higginbottom, II, an inmate at the Mansfield Correctional Institution, filed this action against Portage County Common Pleas Judge John A. Enlow, and Portage County Prosecutor Vigluicci. Plaintiff's brief Complaint challenges his criminal conviction on the ground of "misapplication of statute, indictment." He seeks release from incarceration and damages.

A district court is expressly required to dismiss any civil action filed by a prisoner seeking relief from a governmental officer or entity, as soon as possible after docketing, if the court concludes that the complaint fails to state a claim upon which relief may be granted, or if the plaintiff seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. §1915A; *Siller v. Dean*, No. 99-5323, 2000 WL 145167, at *2 (6th Cir. Feb. 1, 2000).

The Supreme Court has held that, when a prisoner challenges "the very fact or duration of his physical imprisonment, ... his sole federal remedy is a writ of habeas corpus." *Preiser v. Rodriguez*, 411 U.S. 475, 501 (1973). Further, Defendants are absolutely immune from liability

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for actions taken within the scope of their official duties - see, e.g., Pierson v. Ray, 387 U.S. 547

(1967) (judges), Imbler v. Pachtman, 424 U.S. 409 (1976) (prosecutors) - and there is no

suggestion in the Complaint that Defendants acted outside the scope of those duties.

Accordingly, this action is dismissed under section 1915A. Further, the Court certifies,

pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good

faith.

IT IS SO ORDERED.

Date: September 13, 2016

/s/ John R. Adams

JOHN R. ADAMS

UNITED STATES DISTRICT JUDGE

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